REMARKS

Reconsideration of the application in view of the foregoing amendments and the following remarks is respectfully requested. Claims 1, 7, 13, and 19 are amended in this reply. Claims 11, 12, 23, and 24 are canceled in this reply. Claims 25-27 are added by this reply. Hence, Claims 1-9, 13-21, and 25-27 are currently pending in the application.

CLAIMS REJECTIONS—35 USC 102

The second Office Action rejected Claims 1, 4-6, 13, and 16-18 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,493,837 ("Pang").

As amended, Claim 1 recites, *inter alia*, "identifying one or more free buffers that are within a free buffer pool, wherein said free buffer pool maintains free data buffers **that may be inserted into different data structures of a plurality of data structures, each of which is associated with a different web site domain**."

On page 11, the second Office Action admitted, "Pang fails to teach, inserting said particular data buffer into a free buffer pool, wherein said free buffer pool maintains free data buffers that are each associated with a particular web site domain." The second Office Action alleged that such a limitation was disclosed in the Background section of the present application.

However, the Background section of the present application does **not** disclose a free buffer pool of free data buffers that may be inserted into **different data structures**, each such data structure being **associated with a different web site domain**. To the contrary, the Background section of the present application discloses that "server threads 160, 162, 164, 166 are respectively associated with **buffers 170, 172, 174, and 172,**

which are each used to buffer access information for a distinct web site domain (SITE_A.COM, SITE_B.COM, SITE_C.COM, SITE_D.COM)" (page 4, lines 11-14).

Thus, the Background section discloses that buffer 170 is only used in conjunction with SITE_A.COM, that buffer 172 is only used in conjunction with SITE_B.COM, and so forth; according to such a scheme, buffer 170 would never be used to buffer data for any web site domain other than SITE_A.COM. The Background section **teaches away** from the idea that a given free buffer could be inserted into a data structure for any one of several different web site domains. The problems with the scheme in which each buffer was dedicated to a single web site domain is disclosed in the present application starting on page 4 at line 21, and continuing to page 5, line 6. The method recited in Claim 1 overcomes these problems.

Thus, even if modified according to the teachings of the Background section of the present application, Pang still does not teach, disclose, or suggest "identifying one or more free buffers that are within a free buffer pool, wherein said free buffer pool maintains free data buffers that may be inserted into different data structures of a plurality of data structures, each of which is associated with a different web site domain" as recited in Claim 1. Thus, Claim 1 is patentable over Pang even in view of the teachings of the Background section of the present application.

Claim 1 also recites, *inter alia*, "tracking how often said data buffers associated with said data structure are determined to be **full**." In the reply to the first Office Action, the Applicant explained that Pang does not teach or suggest this feature.

In response, the second Office Action alleges, on page 23, that Pang describes this feature in col. 8, lines 1-32. This passage says that each log buffer may contain a time

stamp that is updated whenever the log buffer is flushed. The second Office Action alleges that, by virtue of this timestamp, Pang tracks how often the log buffers become full.

However, the timestamp is **not** updated at the time that the log buffer becomes **full**; instead, the timestamp is updated at the time that the log buffer is **flushed** (Pang, col. 8, lines 18-22). According to Pang, the time at which a log buffer is **flushed** does not have anything to do with the time at which the log buffer became **full** (if the log buffer even was full).

A log buffer may be placed in flush list 222 when the log buffer becomes full. According to Pang, a maintenance thread flushes the log buffers on flush list 222. However, there is no teaching or suggestion whatsoever, in Pang, that the maintenance thread flushes the log buffers on flush list 222 whenever a log buffer is placed in the flush list. Indeed, there would seem to be no point in having a flush list of multiple log buffers, as in Pang, if the flush list were automatically flushed whenever a log buffer was placed in the flush list.

It is clear from Pang that full log buffers may remain in flush list 222, without being flushed, for some time after those log buffers become full. Thus, the time at which a log buffer is placed in flush list 222 will often (if not always) differ from the time at which that log buffer is flushed. Consequently, the timestamp for such a log buffer would not indicate the time at which the log buffer was placed in flush list 222, even if that log buffer was placed in flush list 222 when that log buffer became full.

Therefore, Pang does **not** teach or suggest that the timestamp referred to in col. 8, lines 1-32 in any way indicates a time at which a log buffer became **full**. Even if Pang

tracks how often the log buffers are **flushed**, it does not logically follow from this that Pang tracks how often the log buffers are **full**. It is impossible to determine, from a timestamp that indicates when a log buffer was flushed, the time at which the log buffer became full. There is no connection between the time at which a log buffer becomes full and the time at which that log buffer is flushed.

Additionally, there is no teaching or suggestion in Pang that any comparison is made between a current timestamp and a previous timestamp of the same log buffer. The only comparison that Pang appears to make, regarding the timestamp, is between the **current time** (the time at which the timestamp is examined) and the time that is indicated in the timestamp (col. 8, lines 21-25). The only time that Pang appears to make this comparison is when the log buffer is in free list 220 (col. 8, lines 22-24); thus, the comparison is not made at any time that the log buffer is flushed or about to be flushed. Although such a comparison may yield an amount of time that has passed since the log buffer was last flushed, it will not yield an amount of time that passed between the last two flushings of the log buffer. Such a comparison cannot be used to determine "how often" the log buffer was flushed.

Additionally, there is no teaching or suggestion in Pang that any comparison is made between the timestamps of separate log buffers in flush list 222. Even if the timestamps of multiple log buffers could somehow be used to track the frequency of some event, it does not logically follow that Pang actually uses these timestamps to track that frequency. Thus, Pang does not teach or suggest tracking "how often" the event that the timestamps represent occurs, regardless of what that event is.

Thus, Pang does not teach, disclose, or suggest "tracking how often said data buffers associated with said data structure are determined to be full" as recited in Claim 1. Thus, Claim 1 is patentable over Pang.

Claims 4-6 depend from Claim 1 and therefore include all of the distinguished features of Claim 1. Thus, Claims 4-6 are patentable over Pang for at least the reasons given above with reference to Claim 1.

Claims 13 and 16-18 recite computer-readable media that carry instructions for causing one or more processors to perform the methods of Claims 1 and 4-6, respectively. Therefore, it is respectfully submitted that Claims 13 and 16-18 are patentable over Pang for at least the reasons given above in connection with Claims 1 and 4-6, respectively.

CLAIM REJECTIONS—35 U.S.C. 103

The second Office Action rejected Claims 2, 3, 7-9, 11, 12, 14, 15, 19-21, 23, and 24 under 35 U.S.C. 103(a) as being unpatentable over Pang in view of information disclosed in the Background of the present application ("the Background"). Claims 11, 12, 23, and 24 are canceled in this reply, thereby rendering the rejections of those claims moot. The rejection of the remaining claims is respectfully traversed.

Claims 2, 3, and 7-9 depend from Claim 1. As a result, Claims 2, 3, and 7-9 contain the features of Claim 1 that are distinguished from Pang above. The second Office Action does not even allege that the Background discloses the features of Claim 1 that are distinguished from Pang above.

Thus, neither Pang nor the Background teaches, discloses, or suggests either "identifying one or more free buffers that are within a free buffer pool, wherein said free

buffer pool maintains free data buffers that may be inserted into different data structures of a plurality of data structures, each of which is associated with a different web site domain" or "tracking how often said data buffers associated with said data structure are determined to be full" as contained in Claims 2, 3, and 7-9 by virtue of their dependence from Claim 1.

In order for a *prima facie* case of obviousness to be established under 35 U.S.C. 103, the combined references must, at least when considered in combination, teach or suggest all of the features of the claims that are alleged to be obvious. Even assuming, arguendo, that Pang and the Background could be combined, Pang and the Background still do not teach, disclose, or suggest all of the features of Claims 2, 3, and 7-9. Thus, Claims 2, 3, and 7-9 are patentable over Pang and the Background, taken individually or in combination.

Claims 14, 15, and 19-21 recite computer-readable media that carry instructions for causing one or more processors to perform the methods of Claims 2, 3, and 7-9, respectively. Therefore, it is respectfully submitted that Claims 14, 15, and 19-21 are patentable over Pang and the Background for at least the reasons given above in connection with 2, 3, and 7-9, respectively.

NEW CLAIMS

Claims 25-27 are new, and comprise at least some limitations that were not previously recited in any of the other pending claims. Therefore, it is respectfully submitted that Claims 25-27 are patentable over the cited art.

CONCLUSION

For at least the reasons set forth above, it is respectfully submitted that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

Respectfully submitted,

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Dated: August 29, 2005

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on August 29, 2005 by